



# Could Mandatory Disclosure Lead To Mandatory Insurance?

*Editor's note: On December 30, 2005, Pennsylvania Rule of Professional Conduct 1.4 was amended by the Supreme Court of Pennsylvania, requiring attorneys to disclose whether they carry professional liability insurance (see box on page 4). The amendments adopted will take effect on July 1, 2006.*



by Robert I. Johnston, Esq.

**O**n my first day of law school, I remember sitting in the auditorium with my new classmates listening to the dean tell us what we might expect. He told us to look closely at the

▲ Robert I. Johnston

student to our left, and the one on our right, because one of the three of us likely wouldn't survive the rigors which lay ahead. I've always suspected the image was one taught at seminars for law school deans, as I've heard other lawyers, some of whom would never have been accepted at my *alma mater*, describe the same scene.

If we gathered every lawyer in Westmoreland County, or every lawyer in all but Philadelphia and Allegheny Counties, we could suggest that those present look similarly to the left and right and, with some degree of

confidence, predict that one of the three is uninsured for professional liability.

To be fair, it is not correct to say that one-third of all lawyers are not insured; most government lawyers don't carry, and are not required to carry, insurance and most law firms of more than a few lawyers are almost certainly insured. That leaves only solo and small firm practitioners, and those who have considered the question, including the ABA and the PBA Professional Liability Committee, by process of elimination, assume most uninsureds are in that category: lawyers like you and me. The consensus among insurance industry and bar officials is that the percentage in most states is on the order suggested above.

Should lawyers have insurance (as distinguished from the question of should insurance be mandatory)? Those who believe we should are moved, in part, by the notion that ours is not a profession in which it is convenient to argue someone injured by our negligent act should be left without a remedy. Few of us are troubled that our doctor must insure against the possibility he might cause us harm, and if we learned he had no insurance, we might prefer the operation be performed by someone who does. We've come to expect that our important transactions are conducted with businesses and people who carry

insurance, and the absence of insurance is likely a matter of some consequence to us. It is hard to imagine that those who choose our services feel differently.

Then again, maybe they do. Maybe it doesn't matter to some, or in a particular circumstance, just as I might be satisfied to have an uninsured plumber or electrician work on my home. Maybe I'm short of cash and they'll do the job for less, or maybe they come highly recommended and I'm willing to take the risk. I might even consider going to a doctor who was uninsured (though probably not a surgeon), but I'm pretty sure I'd like to know. There are those who argue that insurance has nothing to do with competence, and maybe they're right, but I can't shake the notion that I might lack a degree of confidence if the architect to whom I have entrusted the design of my building had no insurance; I'd at least like to know.

And that, of course, is all we are being required to do by the Supreme Court, let them know. Unlike lots of others, including our friends the doctors, we aren't required to be insured, we are only required to let our clients know, at the time of engagement, if we don't carry minimum coverage. Inconvenient, for sure, but "mandatory disclosure," as the rule is called, doesn't

*continued on page 4*

President's Message

## It's A Wonderful Life

by James R. Silvis, Esq.

**... I was born in a small town and I can breathe in a small town. Gonna die in a small town, and that's prob'ly where they'll bury me.**

— John Mellencamp

**Some people wander the world only to discover they have always been within walking distance of themselves.**

— "Taking Lottie Home"



I know there are a lot of corny quotes praising small towns and recommending sticking to your roots ... and I subscribe to every one of them!

We've all heard the horror stories of

young lawyers taking jobs with large firms in large cities, making tons of money, working fourteen hours a day, and hating life. I don't mean to condemn working in "the city," but, I'd like young people to know that a small town and a simple life are a legitimate and, in my opinion, often a preferable option.

Some probably worry that only by living in a large metropolitan area could they be recognized for their achievements. Puh-leeze. I've been contacted by and recruited for inclusion in probably 20 different Who's Who volumes. (My wife scoffs that anybody who hasn't been caught on a security camera mugging a nun will get these "honors." She's just jealous.) In fact, I've instructed my family that when I die they're to submit my biography to (and I'm not making this up) "Who Was Who in America."

Practicing law here has been such a pleasure, but don't worry. Unlike Jerome Bettis, I'm not announcing my retirement. Because of my mother's

long-ago, sincerely joyful reminder, "You're so lucky—you can work right up 'til you die," I'd feel guilty not taking advantage of the privilege of working forever. Thanks, Mom.

Because our lawyers actually live fairly near each other, we tend to be more "neighborly." I don't recall any of my requests to another lawyer being turned down—and these were almost always done with a simple phone call. For the most part, we trust what other lawyers tell us. Only once have I been asked to "put it in writing" by a local attorney, and I've never gotten over the insult.

Many of you who have been practicing as long as I have know how close you can feel toward your hometown clients. When I was sick, some offered to cut my grass and do anything else I needed—and these weren't idle gestures. I've been given newly butchered meat, apples, garlic, and a wonderful old train set in whole or partial payment for my services. In some cases, I've represented as many as three generations of families with their first houses, adoptions, wills, parents' estates, sons' arrests for underage drinking, and, finally, divorces.

And there are so many other advantages to small town life that have nothing to do with work. In a few months, my wife and I will begin to notice that our cholesterol has dipped dangerously low, and it will

then be time to start Funneltcake Tour 2006! On this tour, we attend every community celebration and church festival within a half hour's drive.

A big night out for us involves lots of grease and the sounds of country and oldies bands. FYI: St. Benedict's in Marguerite serves the best Polish platter; Mt. Pleasant Glass and Ethnic Festival offers the best entertainment (two stages); St. James in New Alexandria puts on the best festival flea market. A here's a warning from my "What Was I Thinking?" list: never buy piroghi at a Lutheran church.

On Friday nights in June through August, we walk to the free concerts in St. Clair Park. Please join us! There's a nice eclectic schedule of artists and when we go to even the ones we're not sure we'll like, we've had many pleasant surprises. Pack a picnic, bring blankets, relax and let your stress disappear—unless you're agoraphobic.

As long as I'm doing kind of a "stream of consciousness" thing, let me include a couple more recent observations. As I saw my body in the mirror this morning—it was an accident, honest—I realized that I could use help from the fields of both bariatrics and geriatrics. I'm no longer flexible in my daily movements, and when standing up (uh-uh), sitting down (ah-h), and walking (oh-oh), I sound like a pornographic movie.

*continued on page 18*

**Bench/Bar 2006**

# New Venue, New Experiences, Same Great People

**B**e prepared for a Bench/Bar experience unlike any other when the Westmoreland Bar Association descends upon the Mountaineer Race Track & Gaming Resort in Chester, W.Va., June 15-17, 2006.

From first-class accommodations in The Grande Hotel at Mountaineer to live Thoroughbred racing and countless slot machines; from a day of pampering at The Spa at Mountaineer to a day of relaxing golf on the Mountaineer's regulation 18-hole, par-72 Woodview Golf Course, nestled in the foothills of the Appalachian Mountains, you won't want to miss a minute of the fun.

Of course there will still be free CLE seminars, a Young Lawyer hospitality suite, entertainment, a vendor exhibit and, most importantly, the opportunity to get to know the judges and fellow bar members in a relaxed atmosphere. It's what keeps our bar one of the strongest in the state.

So, clear your calendars for Thursday, June 15, through Saturday, June 17, and plan to head for the Mountaineer and the time of your life.



the **sidebar**

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor may be sent to 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, Fax 724-834-6855, or e-mail [westbar.org@verizon.net](mailto:westbar.org@verizon.net). Back issues from 2000 to the present and a comprehensive, searchable index are available online at [www.westbar.org/html/publications](http://www.westbar.org/html/publications).

**EDITORIAL BOARD**

David J. Millstein, Esq., *Editor*  
 Beth Orbison, Esq., *Assistant Editor*  
 The Hon. Daniel J. Ackerman, *Cub Reporter*  
 Susan C. Zellner, *Associate Editor*  
 Diane Krivoniak, *Managing Editor*

# Mandatory Disclosure *continued from page 1*

put anyone out of business. Consumers will have the informed choice of whether to retain a particular lawyer in spite of the absence of coverage.

Those opposed to the new rule offer several arguments, many of which are actually arguments against having to buy insurance rather than disclosing the lack of it. “I’m a young lawyer and can’t afford insurance,” or “I’m an older lawyer on a limited budget and can’t afford insurance,” or “I’ll have to raise my rates and it will be a hardship for my clients.” Some say “It’s nobody’s business but mine whether I have insurance.” Others argue there’s no proof that lots of lawyers are not insured so we don’t need another rule. All imply that lawyers ought to be treated differently than other professions, perhaps for the generally unspoken reason that, in truth, many of us make a lot less money than most people think (or we’d like them to think).

The fear that underlies most objections to mandatory disclosure is one that is rarely stated, namely that this represents but a first step on a slippery slope inevitably leading to mandatory insurance. That the same argument is advanced by the NRA in opposition to restrictions on the sale of machine guns and bazookas to ordinary citizens no doubt accounts for it not being stated. And while it would be easy to frame this argument as primarily having to do with informing clients, to be candid, it really is about insurance, about whether we, as professionals, should be responsible for the thankfully infrequent harm caused by our errors.

And unless you believe that burying our heads in the sand represents a sensible long-term approach to the problem, it is also about how much the solution will cost and who should pay. The belief, underlying mandatory disclosure, is that many presently uninsured lawyers will obtain coverage

*continued on page 6*

## Pennsylvania Rule of Professional Conduct 1.4 Annex A

### Rule 1.4 Communication.

\*\*\*

(c) A lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance, and shall inform existing clients in writing at any time the lawyer’s professional liability insurance drops below either of those amounts or the lawyer’s professional liability insurance is terminated. A lawyer shall maintain a record of these disclosures for six years after the termination of the representation of a client.

### Comment

\*\*\*

#### *Disclosures Regarding Insurance*

Paragraph (c) does not apply to lawyers in full-time government practice or full-time lawyers employed as in-house counsel and who do not have any private clients.

Lawyers may use the following language in making the disclosures required by this rule:

(1) No insurance or insurance below required amounts when retained: “Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer’s professional liability insurance coverage drops below either of those amounts or a lawyer’s professional liability insurance coverage is terminated. You are therefore advised that (name of attorney or firm) does not have professional liability insurance coverage of at least \$100,000 per occurrence and \$300,000 in the aggregate per year.”

(2) Insurance drops below required amounts: “Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer’s professional liability insurance drops below either of those amounts or a lawyer’s professional liability insurance coverage is terminated. You are therefore advised that (name of attorney or firm)’s professional liability insurance dropped below at least \$100,000 per occurrence and \$300,000 in the aggregate per year as of (date).”

(3) Insurance terminated: “Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer’s professional liability insurance drops below either of those amounts or a lawyer’s professional liability insurance coverage is terminated. You are therefore advised that (name of attorney or firm)’s professional liability insurance has been terminated as of (date).”

A lawyer or firm maintaining professional liability insurance coverage in at least the minimum amounts provided in paragraph (c) is not subject to the disclosure obligations mandated by the rule if such coverage is subject to commercially reasonable deductibles, retention or co-insurance. Deductibles, retentions or co-insurance offered, from time to time, in the marketplace for professional liability insurance for the size of firm and coverage limits purchased will be deemed to be commercially reasonable.

# Mediation Taking Off

by Robert I. Johnston, Esq.,  
and John M. Noble, Esq.

While many of you were enjoying festivities on Super Bowl Sunday, eight Westmoreland County lawyers were in the middle of their second of five days of training in mediation. Sponsored by John Noble and Noble Mediation, John was joined by WBA members Becky Brammell, Peggy Tremba, Carol Bucci, Chuck Wade, Patrice DiPietro, Leslie Uncapher and Bob Johnston. Lawyers from Allegheny and Washington County, and therapists and counselors from Comprehensive Counseling Center at Excelsa Health, also participated, making a fascinating group (pictured at right, at graduation) with widely diverse backgrounds and interests.

Lynn E. MacBeth, a Pittsburgh attorney and mediator, and Roberta



▲ Several WBA members were among the graduates of a mediation training session held in early February. Seated (left to right): Leslie Uncapher, Bob Johnston, Carol Bucci, Heidi Sherman, Carrie Gallatin-Aquilino. Standing (left to right): Gerald Kross, John Noble, Chuck Smith, Patrice Wade DiPietro, Chuck Wade, Peggy Tremba, Joyce Morgan, Kathy Stancombe, Becky Brammell. Missing from photo: Mary Jane Grisnik.

Eisen, a consultant and counselor and the former Principal Custody Mediator with the Court of Common Pleas of Allegheny County and author of the

Generations curriculum, provided a thought-provoking and insightful program of training approved by the

*continued on page 6*



Court Reporting / Legal Video / Document Imaging / Trial Presentation

- Schedule your depositions with us -

724-853-7700

Staffed Full-Time By Lifelong Westmoreland County Residents:

Mary Emanuele - Managing Court Reporter  
Tammie Elias - Court Reporter  
Mary Jane Rucci - Court Reporter  
Donna Skuta - Court Reporter  
Joe Hagan - Manager VideoTech

(Conference Rooms available at our Greensburg, Pittsburgh and Erie offices.)

**AKE** Court Reporting & VideoTech Services

101 North Main Street, Suite 105, Greensburg, Pennsylvania 15601

## Mediation Taking Off *continued from page 5*

Association for Conflict Resolution. ACR is the largest professional association in the nation for mediators, arbitrators and other conflict resolution practitioners. Although having its primary focus in Family Mediation, the program dealt with various models of mediation, and strategies and tactics applicable to mediation involving general litigation, personal injury, professional liability, and labor and employment issues, with much attention to high stress conflicts.

Mediation is the fastest growing of several mechanisms, including various forms of arbitration, all under the general heading of ADR, or Alternative Dispute Resolution.

Mediation is already a part of medical malpractice litigation procedure, is mandated by many federal and state agencies, including the Postal Service and the EEOC, and a growing number of federal courts are requiring that cases be submitted to mediation. Our State Senate recently passed a Resolution, 47-0, to establish a task force for a review of the current status of alternative dispute resolution services, to identify best practices, and to educate Pennsylvania citizens



about conflict resolution, and the House approved the measure by a vote of 200-0 on February 7.

In a nutshell, mediation is a process in which the parties are encouraged to fashion their own solution to their conflict, which may be more satisfying and effective than relying upon strangers to declare a “winner” and “loser.” Not only is mediation typically faster, less expensive, and more flexible than going to court, in conflicts where ongoing relationships are at issue, enabling the parties to develop their own resolutions may also improve their ability to resolve future conflicts.

The WBA ADR Committee, in cooperation with our judges and family law lawyers, has been exploring means by which mediation may be implemented in domestic relations cases to help the parties make more effective choices regarding the many complex issues associated with separation and divorce. We also plan to provide educational opportunities so that each of us may better understand how mediation may become an exciting new tool for satisfying our clients’ needs. Please plan to join us.

**FIRST TIME OFFERING**  
The Fine Art Limited Edition Print of the  
**“WESTMORELAND COUNTY COURTHOUSE”**  
From the original Pen & Ink Illustration by  
renowned local artist Susan Castriota Hamilton

Print run of only 350 prints signed and numbered by the artist.  
\$85.00 each (includes shipping and tax)  
To order call 888.488.9600 or email Susan at [Designitem@aol.com](mailto:Designitem@aol.com)  
Print size is 18" X 24" • Available Framed/matted - \$295.00 plus sh./tx  
Also Available: Full Color Holiday Cards

## Mandatory Disclosure *continued from page 4*

rather than suffer the perceived embarrassment of disclosure. Those states with a similar rule have experienced substantial reductions in the number of uninsured lawyers. The costs will be incurred by those who buy the insurance, whose premiums, absent underwriting differences, will be no greater than the premiums paid by those who are already insured. And unlike “mandatory insurance,” the increase in cost to those already insured is nothing.

The distinction of importance here is between “should have” and “must have.” If enough of us are motivated by the new rule to acquire liability insurance, it is easier for the Supreme Court to believe the magnitude of the potential problem has been sufficiently addressed. Otherwise, it is hard to imagine we can long continue to enjoy the luxury of freedom of choice. And while it is too complicated to go into here, believe me when I tell you that a system of mandatory insurance would be much more expensive for all of us, not just those new to the market, and might, in fact, put some out of business altogether.

# Spotlight on Jeremy Boby



*Editor's note: Jeremy Boby is the incoming Chair of the WBA Young Lawyers Committee. His one-year term will begin at the 2006 Annual Meeting, which will be held April 3 at the Greensburg Country Club.*

**Q WHAT JOBS HAVE YOU HAD PRIOR TO BECOMING AN ATTORNEY?**

**A** My first job was running a stand at local flea markets and fairs when I was 15. After that I delivered pizzas for three summers. Once I was in college I worked as a file clerk at a DC law firm and as an account administrator for a mutual fund. Finally, in law school, I worked as a security guard in the University of Michigan's art museum.



**Q WHICH WAS YOUR FAVORITE AND WHY?**

**A** The security guard job. I got to look at famous works of art, converse with the patrons and scold some for touching the paintings and sculptures. The most interesting people to talk to were the veteran guards, who loved to talk about art thieves who struck the museum over the years. Several had attempted to access the museum through the steam tunnels underneath, but they had been thwarted with motion detectors. A few tried to stay inside the museum after hours, and so we checked all of the closets and bathrooms after closing. The most successful thief struck while the museum was open and full of patrons, stealing a multi-million-dollar Chinese watercolor, by going over a plexiglass cover with a simple hook and line, then pulling the watercolor up and over. The thief rolled up the painting

and put it under an overcoat and made a clean getaway. The watercolor was never recovered.

**Q WHAT IS THE FUNNIEST THING THAT HAS HAPPENED TO YOU AS AN ATTORNEY?**

**A** It actually happened in open court while I was interning at the Washtenaw County Public Defender while I was in law school in Michigan. Several of us were in court just watching the proceedings. The sheriff led an inmate into the courtroom, and the inmate said to the judge, "Hey Bob."

The judge, unoffended said, "How's it going, Phil?" The inmate was uncuffed and he plopped himself at the counsel table and propped his

*continued on page 8*

## ***Business Valuation Services***

---

- Estate & Gift Taxes
- Divorce Settlements
- Mergers & Acquisitions
- Stockholder Transactions

Whether your client needs a comprehensive valuation opinion to withstand scrutiny by third parties or an estimate of value for internal use, you can rely on our team of qualified professionals to provide a full range of business valuation services.

Contact: Maryann White, CPA  
*Accredited in Business Valuation*

**KELLY, SPARBER, WHITE  
& ASSOCIATES, LLC**

---

*Certified Public Accountants*

2510 Ligonier St., Latrobe, PA 15650 • Phone: 724.539.4581  
Fax: 724.537.0332 • E-mail: KSW@kellysparberwhite.com

## Spotlight on Jeremy Boby *continued from page 7*

feet up on the tabletop, clasping his hands behind his head, like he was in an easy chair. He stood up with exaggerated dignity when the DA called the case.

“Phil, I just have to ask, what were you doing with such a large amount of GyneLotrimin?”

The people in the courtroom starting chuckling with some restraint.

“Well, Bob, the truth is I was working for the CIA, though they will deny it, because I was caught. You see, Saddam Hussein had tainted this particular shipment of GyneLotrimin with biological weapons, and it was my duty to take it out of interstate commerce before someone got hurt.”

Every person in the courtroom was laughing, and more than a few were beside themselves with hysterics. The judge was smiling but had not lost his decorum.

“Well, Phil, that is quite a story. You know, I’m still going to have to hold you over for trial, but I don’t see why we can’t release you on your own recognizance.”

“If you don’t mind, Bob, I was helping the sheriff’s deputies rebuild an engine in the transport van, and I’d like to finish before I leave the jail.”

The judge squeezed the bridge of his nose, nodding back and forth. “Well, if it’s all right with the sheriff’s department, it’s all right with me.”

Phil waltzed out of the courtroom uncuffed, a few paces away from the deputy who wasn’t even trying to lead him. At the end of the session I asked a deputy what happened, and he reluctantly told me that the defendant was an old friend of the judge.

### LawSpeak

“To listen well is as powerful a means of communication and influence as to talk well.”

— Chief Justice  
John Marshall  
(1755-1835)

I never did find out how possession of GyneLotrimin could result in criminal charges. A yeasty story, but every word of it is true.

#### **Q** WHAT IS THE QUALITY YOU MOST LIKE IN AN ATTORNEY?

**A** Honesty and reasonableness are the most important qualities, but I really appreciate a lawyer with a self-deprecating sense of humor.

#### **Q** WHAT IS YOUR FAVORITE JOURNEY?

**A** Driving across back country roads to the Cheat River in Albright, W.Va.

#### **Q** WHAT IS YOUR GREATEST REGRET?

**A** Time that I wasted worrying about things that are beyond my control.

#### **Q** WHO ARE YOUR REAL-LIFE HEROES?

**A** Sir Thomas More for giving up his fortune, immediate honor and his life in order to stand against the government telling him what to think and say.

#### **Q** WHAT ADVICE WOULD YOU GIVE TO ATTORNEYS NEW TO THE PRACTICE OF LAW?

**A** Don’t view a case as a battle to be won. In the practice of law, most battles are won by being avoided with negotiation. One of the hardest things is explaining this to clients who watch too many law TV shows. Try to get pleasure from the non-pecuniary pleasures of the law, by helping your clients and learning about the law and your colleagues. And perhaps most important, don’t expect to get rich, and live your life accordingly. The happiest (and frequently wealthiest) lawyers seem to care less about money and more about the profession.

#### **Q** WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

**A** My greatest professional achievement was convincing the DA to drop charges against a client who was actually innocent. My greatest personal achievement was kayaking the Upper Yough.

#### **Q** WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

**A** Celebrating my 50th wedding anniversary with a loving wife,

*continued on page 18*

**NOPPE & ASSOCIATES**

*Title Insurance*  
*Real Estate Settlements*

---

**Closing Services To Meet Your Needs**

---

Telephone: 724 - 838-7521  
Fax: 724 - 850-2575

AGENT FOR  
Land America / Lawyers Title Insurance Corporation  
First American Title Insurance Company



November/December 2005 Trial Term

# Jury Trial Verdicts

by Rachel Huss, Esq., Charles J. Dangelo, Esq., and Jacquelyn A. Knupp, Esq.

Of the sixty-one cases called for the November/December 2005 Civil Jury Trial Term, twenty-three settled, fifteen were continued, one was a voluntary non-suit, two were scheduled for a binding summary jury trial, one was transferred to arbitration, five verdicts were entered and fourteen were held to the next term. The five cases upon which juries deliberated are summarized below.

**LINDA KOWAL AND MICHAEL KOWAL, HER HUSBAND  
V.  
GIANT EAGLE, INC.  
NO. 8147 OF 2003**

*Cause of Action: Negligence—  
Personal Injury*

On September 14, 2002, Plaintiff, Linda Kowal, entered a supermarket owned by Defendant, Giant Eagle, Inc. While shopping in the store, an employee of Defendant struck Plaintiff in the back of her right foot with a



loaded metal flat. The flat inflicted a deep cut in Plaintiff's right heel and knocked her to the floor. Plaintiff alleged that she sustained injuries in the form of a laceration to her right heel, soft tissue damage to the heel, protrusion and hypertrophy of the bone near the insertion of the Achilles tendon, damage to the Achilles tendon, inflammation of the subtalar joint, and left wrist pain.

Although Defendant conceded negligence, it contested causation at trial. Defendant did not present any expert medical testimony, but rather based its defense on the testimony of fact witnesses and its cross-examination of Plaintiffs' witnesses.

*Plaintiff's Counsel:* Kelly L. Enders, Caroselli, Beachler, McTiernan & Conboy, Pgh.

*Defendant's Counsel:* James F. Rosenberg, Marcus & Shapira, LLP, Pgh.

*Trial Judge:* The Hon. William J. Ober

*Result:* Verdict in favor of Plaintiff in the amount of \$9,236.66.

**PETER J. RASPANTI AND ROBBIN D. RASPANTI, HIS WIFE  
V.  
GERALD R. VENSEL, JR.  
NO. 6092 OF 2003**

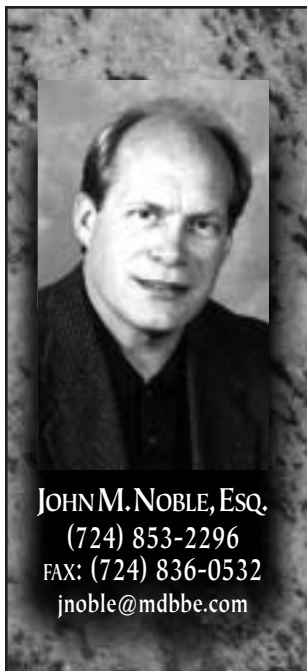
*Cause of Action: Negligence—  
Motor Vehicle Accident*

The action arises from a motor vehicle accident, which took place in Upper Burrell Township on September 26, 2002. Plaintiff, Peter J. Raspanti, while attempting to enter State Route 4032 from his driveway, collided with the vehicle of Defendant, Gerald Vensel, Jr. As a result of the accident, Plaintiff sustained multiple fractures and was required to undergo a long period of rehabilitation.

The parties agreed to bifurcate the case and conduct a jury trial solely on the question of negligence. At trial, Plaintiff argued that Defendant caused the accident by driving at an excessive and unreasonable speed. Defendant, on the other hand, argued that Plaintiff caused the accident by failing to yield the right of way while exiting his driveway. Both parties presented the testimony of accident reconstruction experts.

The jury was instructed to make findings on the negligence of Defendant, the contributory negligence of Plaintiff, and, if necessary, to quantify the percentage of causal negligence attributable to each party.

*continued on page 10*



**JOHN M. NOBLE, ESQ.**  
(724) 853-2296  
FAX: (724) 836-0532  
jnoble@mdbbe.com

## NOBLE MEDIATION DISPUTE RESOLUTION SERVICES

- 158 mediations conducted in 2004-05
- 85% settlement ratio in 2005
- MedMal Mediations approx. 10% of sessions conducted in 2005
- Mandatory MedMal Mediation Legislation on horizon
- Sole Binding Med/Arbitrations gaining popularity
- Mediation training coming to Westmoreland County

*Thank you to all who chose  
NOBLE MEDIATION.*



MEYER•DARRAGH•BUCKLER•BEBENEK & ECK  
114 SOUTH MAIN STREET, GREENSBURG, PA 15601

# Jury Trial Verdicts *continued from page 9*

*Plaintiff's Counsel:* Fred C. Jug, Brant, Milnes & Rea, Pgh.

*Defendant's Counsel:* Maria Spina Altobelli, Jacobs & Associates, Gbg.

*Trial Judge:* The Hon. William J. Ober

*Result:* Defendant, 39% negligent; Plaintiff, 61% negligent. Verdict for Defendant.

**BARBISH ENVIRONMENTAL SERVICES TECHNOLOGY, INC. AND E.S.T.I., INC.**

**V.**

**VOLVO GM HEAVY TRUCK CORPORATION, INC., AND PITTSBURGH MACK SALES & SERVICE, INC. T/D/B/A VOLVO HEAVY TRUCKS OF PITTSBURGH NO. 4744 OF 1997**

*Cause of Action: Contract—Breach of Express Warranty*

Plaintiffs are engaged in the business of hauling. In 1995 and 1996, Plaintiffs entered into lease and purchase

agreements with the Defendants, the seller and manufacturer of industrial trucks, with respect to four Volvo trucks. Plaintiffs alleged that almost immediately upon lease and purchase, the Volvo trucks sustained numerous mechanical malfunctions, including clutch, suspension and drive train problems. Plaintiffs redelivered the leased vehicles to Defendant, and were unable to use the broken down purchased vehicle for extended periods of time. Plaintiffs proceeded to trial against Defendants for breach of the express warranties set forth in the lease and purchase agreements.

Defendants denied any breach of express warranties and contended that the trucks were of merchantable quality. Defendants asserted that any damages sustained by plaintiff were caused by the failure of Plaintiffs and/or others to properly operate, maintain, repair and/or service the Volvo trucks.

*Plaintiff's Counsel:* Peter A. McClenahan, Streib & McClenahan, Pgh.

*Defendants' Counsel:* Arnd N. von Waldow and Wayne W. Ringeisen, Reed Smith, LLP, Pgh.

*Trial Judge:* The Hon. Daniel J. Ackerman, President Judge

*Result:* Verdict in favor of Plaintiffs in the amount of \$73,390.87.

**KATHLEEN MANCUSO**

**V.**

**MARY WEAVER NO. 279 OF 2004**

*Cause of Action: Negligence—Motor Vehicle Accident—Binding Summary Jury Trial*

On July 10, 2002, Plaintiff was preparing to enter her vehicle onto State Route 30 in Greensburg, Westmoreland County, via the entrance ramp from Greensburg-Mt. Pleasant Road. Defendant was



**RELAX & REJUVENATE** at *The Spa At Renaissance Cosmetic Surgery Center*

*Specialized Cosmetic Surgical Procedures*

*Total body cosmetic surgeries for both men and women are performed exclusively by Dr. Teet in the Cosmetic Surgery Center. Individual consultations by appointment only.*

Abdominoplasty (Tummy Tuck)  
Body Lift (Arms, Thighs, Buttocks)  
Botox  
Breast Enlargement  
Breast Lift  
Breast Reduction  
Breast Reconstruction  
Brow Lift  
Chemical Peel  
Clav Augmentation  
Dermabrasion  
Eyelid/Face/Neck Lifts  
Fat Injections  
Laser Resurfacing  
Laser Hair, Vein, Wrinkle Removal  
Lip Enlargement  
Liposuction  
Microdermabrasion  
Otoplasty (Ears)  
Rhinoplasty (Nose)  
Scar Revision  
Skin Care  
Skin Care Programs

**RENAISSANCE**

*Daniel A. Teet, M.D., F.A.C.S.*  
1000 Tower Way  
Behind Hampden Inn, Rt. 30  
Greensburg, PA 15601

Phone: (724) 834-9400  
Toll Free: (866) NEW-LIFT

Board Certified:  
American Board of Plastic Surgery  
American Board of Cosmetic Surgery



Customized Spa Packages and Gift Certificates Available 

*When essentials and experience make... the beautiful difference.*

**Facials • Massage • Nail Services  
Pedicures • Waxing • Makeup  
Airbrush Tanning • Body Care Treatments**

**Featuring Our  
Holiday Spa Packages**

**Only \$95**  
"Tocco d'cielo" - Touch Of Heaven  
Personalized Skin Consultation, 20 Minute Facial, 30 Minute Swedish Massage, Thermo Renaissance Steam Spa Machine, With An Abundance Of Refreshments - 1 Hour

**Only \$110**  
"Fuga d'spa" - Spa Escape  
Thermo Renaissance Steam Spa Machine, Spa Facials, Italian Pedicure, Personalized Skin Consultation, 20 Minute Facial, With An Abundance Of Refreshments For Your Delight - 1 Hour

**Only \$110**  
"Splendore Renaissance" - Renaissance Radiance  
Client Consultation, 20 Minute Facial, 30 Minute Swedish Massage, Classic Hand & Foot Exfoliating, 20 Minute Facial, 30 Minute Swedish Massage, Classic Massage, 30 Minute Leg Foot Massage, Airbrush Tan/Body Shimmer - 1 Hour

**Only \$165**  
"Al Sereno Cielo" - Seventh Heaven  
Personalized Skin Consultation, Signature Facial With Hand And Arm Treatment, 30 Minute Swedish Massage, Renaissance Aroma "Detoxination" Massage, Mini Pedicure, With An Abundance Of Refreshments For Your Delight - 1 Hour

**Only \$220**  
"La Dolce Vita" - The Sweet Life  
Personalized Skin Consultation, Signature Facial With Hand & Arm Treatment, 30 Minute Swedish Massage, Thermo Renaissance Steam Spa Machine, 20 Minute Facial, 30 Minute Swedish Massage, 30 Minute Leg Foot Massage, Airbrush Tan/Body Shimmer, Tan - With Hand And Foot Exfoliation - 1 Hour

**ONLY \$195**

Microdermabrasion Treatment Performed Exclusively By Dr. Teet  
Reg. Value \$290

*The Spa at Renaissance  
Cosmetic Surgery Center*  
1000 Tower Way  
Greensburg • 724-834-9400

---

**ONLY \$40**

Holiday Aroma Sensation Spa Pedicure  
Reg. Value \$80

*The Spa at Renaissance  
Cosmetic Surgery Center*  
1000 Tower Way  
Greensburg • 724-834-9400

---

**ONLY \$60**

Renaissance Signature Facial  
Reg. Value \$70

*The Spa at Renaissance  
Cosmetic Surgery Center*  
1000 Tower Way  
Greensburg • 724-834-9400

---

**ONLY \$55**

60-Minute Swedish Massage  
Reg. Value \$70

*The Spa at Renaissance  
Cosmetic Surgery Center*  
1000 Tower Way  
Greensburg • 724-834-9400

operating her vehicle in an easterly direction directly behind Plaintiff's vehicle. While Plaintiff was waiting for oncoming traffic to pass before turning onto Route 30, Defendant's vehicle struck Plaintiff's vehicle, causing her to sustain injuries to her neck, shoulders and cervical spine. Defendant denied all allegations of negligence and asserted the contributory/comparative negligence of the Plaintiff.

*Plaintiff's Counsel:* Jeffrey A. Pribanic, Pribanic & Pribanic, L.L.C., White Oak

*Defendant's Counsel:* Christopher M. Fleming, Jacobs & Associates, Gbg.

*Trial Judge:* The Hon. Daniel J. Ackerman, President Judge

*Result:* Summary jury verdict in favor of Defendant.

**KENNETH SLABY  
V.  
GAIL O'TOOLE  
NO. 5723 OF 2000**

*Cause of Action: Battery—Assault—Intentional Infliction of Emotional Distress*

This case arose out of an incident which occurred on May 7, 2000. Plaintiff alleged that Defendant assaulted him by pouring a glue-like substance believed to be Superglue in the crack of Plaintiff's buttocks and into his rectal area, Superglued Plaintiff's penis to his upper abdomen and poured Superglue over Plaintiff's genital area resulting in Plaintiff's testicles being glued to his inner thigh. Plaintiff also alleged Defendant poured a red and blue substance believed to be nail polish over his head causing a discoloration of Plaintiff's head and hair. Plaintiff further alleged that Defendant wrote "cute asshole" on Plaintiff's lower back and buttocks in red nail polish. Plaintiff sought compensatory and punitive damages.

Defendant denied all allegations of wrongful conduct and pled that Plaintiff consented to all activities that occurred on May 7, 2000.

*Plaintiff's Counsel:* Jeffrey Monzo, Belden Law, Gbg.; Grey Pratt, Hanchak & Pratt, LLC, Pgh.

*Defendant's Counsel:* Charles Evans, Meyers, Kenrick, Giuffre & Evans, LLC, Pgh.

*Trial Judge:* The Hon. Gary P. Caruso

*Result:* Molded verdict in favor of Plaintiff in the amount of \$46,200.00

**GEORGE SHINKO AND MARY ANN SHINKO, INDIVIDUALLY AND AS ADMINISTRATORS OF THE ESTATE OF KEITH R. SHINKO, DECEASED  
V.**

**ROBERT T. DUNN, M.D.  
NO. 507 OF 2003**

*Cause of Action: Medical Malpractice*

On October 15, 2001, Keith Shinko presented to Defendant, his primary care physician, complaining of persistent cough, sinus symptoms and headache. Defendant prescribed an antibiotic and instructed Keith to call the office if his condition worsened. Keith was found dead in his apartment on October 17, 2001. An autopsy performed on October 18, 2001 determined that he died of bacterial meningitis, associated with bilateral bronchopneumonia. Plaintiffs alleged that the Defendant was negligent in his care of Keith in failing to obtain an appropriate medical history, failing to order STAT lab work, failing to

recognize that Keith's uncontrolled diabetes increased his risk for developing infections and complications and in general in failing to properly diagnose and treat Keith for meningitis. Additionally, Keith had a history of meningitis from 1999.

Defendant denied the allegations in Plaintiffs' complaint and averred that the treatment rendered to Keith Shinko was within the standards of the medical community. Defendant's expert testified that the type of meningitis Keith died from, fulminant meningitis, is characterized by a short period of symptoms and in most cases, death within one or two days after the onset of illness and that Keith suffered from an abnormal anatomical connection between the central nervous system and either the middle ear or his sinuses that would allow him to contract meningitis twice in his lifetime, which is extremely rare.

*Plaintiffs' Counsel:* Douglas Price, Harry S. Cohen & Assoc., Pgh.

*Defendant's Counsel:* Thomas Anderson, Thomson, Rhodes & Cowie, PC, Pgh.

*Trial Judge:* The Hon. Gary P. Caruso

*Result:* Molded verdict in favor of Defendant. Jury found that the Defendant was not negligent.

**Lawyers Abstract Company  
of Westmoreland County**

**35 WEST OTTERMAN STREET  
GREENSBURG, PA 15601**

Telephone 724 - 834-2822

**Agents for Commonwealth Land Title Insurance Company**

**FULL TITLE SEARCHES  
TITLE INSURANCE  
ABSTRACTS  
REAL ESTATE & MORTGAGE CLOSINGS**

# New Member Sketches

*Theresa Clark* has been admitted as a participating member of the WBA. A graduate of Titusville High School, she earned a degree in Physical Therapy from Duquesne University and her J.D. from Washington University School of Law. Theresa is a staff attorney with Laurel Legal Services in Greensburg. She and her husband, Jeffrey Rihn, reside in Pittsburgh.

*Lou Anne Demosky* has joined the WBA as a participating member. A graduate of Uniontown Senior High School, Lou Anne earned her undergraduate degree from Penn State University and her juris doctor from Duquesne University School of Law. Lou Anne is a solo practitioner in Greensburg. She and her husband, WBA member Lee Demosky, have four children and reside in Greensburg.

*Lori A. Edwards* was admitted to the WBA as an associate member. A graduate of Geibel High School, Lori earned a degree in Theology and Philosophy from Loyola College and her J.D. from the Duquesne University School of Law.

A solo practitioner in Pittsburgh, she and her husband, David Wilson, reside in Vandergrift.

*Robert L. Frey* has rejoined the WBA as an associate member. Robert returned to the area recently after spending the last few years in Harrisburg. A graduate of Jeannette High School, Robert earned a degree in History from Saint Vincent College, and his J.D. from Widener University School of Law. An associate

with Feldstein Grinberg Stein & McKee in Pittsburgh, he and his wife, Stephanie, live in North Huntingdon.

*K. Bradley Mellor* has joined the WBA as an associate member. A graduate of Hempfield Area Senior High School, he earned a degree in English from Washington & Jefferson College and his J.D. from Case Western Reserve Law School. Bradley is an associate with Blumling & Gusky LLP, with offices in

Pittsburgh and Greensburg. He and his wife, Kimberly, have three children and reside in Irwin.

*Philip N. Shelapinsky* has rejoined the WBA as a participating member. He was previously a member from 1973 through 1990. A graduate of Charleroi High School, Philip earned both an undergraduate degree in Economics and a juris doctor degree from the University of Pittsburgh. He is currently the manager of Lawyers Abstract Company in Greensburg. He and his wife, Loretta, have two children and reside in Greensburg.

*James R. Stois, Jr.*, has joined the WBA as a participating member. A graduate of Connellsville Area Senior High School, Jim earned a B.A. in Political Science from York College of Pennsylvania and his juris doctor from St. Thomas University School of Law. Jim is a staff attorney for Laurel Legal Services in Greensburg, and lives in Normalville.

*Mark Wible* was admitted to the WBA as a participating member. A graduate of Mount Pleasant High School, Mark earned a degree in Business Management from Indiana University of Pennsylvania and his J.D. from Penn State–Dickinson. A resident of Mount Pleasant, he is currently working with WBA member Milton V. Munk, Jr., also in Mount Pleasant.



## Lawyers' Exchange

(Free to all members of the WBA)

**FOR SALE** Computer desks, filing cabinets, bookshelves, office and waiting room furniture. Wonderful for a solo or new attorney. Reasonable offers accepted; payment plans available. Call 724-836-4390.

**OFFICE SPACE TO SHARE** Sole Practitioner has office space to share in walking distance to the Westmoreland County Courthouse. Will modify existing space. Please call 724-836-6900.

**OFFICE SPACE FOR RENT** First floor office space for rent within walking distance of Courthouse; free parking; 3 large rooms with restroom; front and back entrance; very charming with fireplace in one office. \$400.00/month + utilities. Contact 724-832-9811.

**EXPERIENCED FREELANCE LEGAL SECRETARY FOR HIRE** Will perform billing and typing for petitions, orders, briefs, letters and memorandums for all Courts. Proficient in Microsoft Word, Word Perfect, etc. Contact the WBA at 724-834-6730.

**PRIME OFFICE SPACE FOR RENT** Ample office space, perfect for your growing firm, ready to rent today. Prime location on Route 30 in Greensburg. Two offices available; includes parking. Call 724-834-4699 or 412-817-2816 for more information.

**PARALEGAL** with PI and asbestos litigation experience seeking part or full-time work in Westmoreland County. 724-722-3291 or rcschroeder@nidhog.net.

# To-Wit: File Review

by S. Sponte, Esq.

I don't know what got into me. Actually it may be more accurate to say I know what got into me, I just don't know how to get it out of me. You see, it recently dawned on me, although the word "dawn" in this context is oh-so-poignant, that I've just passed my thirty-fifth anniversary as a practicing lawyer. And while some may instantly jump to the conclusion that this is yet another piece about getting older, let me just say right here and right now that, okay, it is.

This most recent exercise in mortality awareness all started last week when my secretary walked into my office holding a pink telephone slip. "This person just called," she said, as if she believed that the immediacy of the message might somehow garner my attention, "and he wants to revise his will."

I looked at the message but I didn't recognize the name. "Did I do his will?" I asked, and not recalling for herself, she left to check the file index. Within a few minutes she returned, index card in hand. "Yes," she said, "you did his will six years ago."

Only six years ago, and I didn't recognize the guy's name. How strange. There was a time when I used to remember all their names, every one—all their names, all their causes, all their worries, I carried all of them around with me like my car keys, and for a variety of reasons they were no less important. But now, with my closed files currently numbering well beyond three thousand and my uncluttered brain cells currently numbering in the single digits, much has been lost to my recall.

"Did you ever wonder," I asked her pensively, "if my work for these people ever had any meaningful effect on

their lives? I mean, do you think I have really made a difference to anyone?"

"You have an article due, don't you," she queried, "and you're just plum out of ideas, huh?"

Before I could even formulate an appropriate lie with which to respond, she had gone to the closed file cabinets, grabbed a handful of files at random and placed them on my desk. "Go ahead, call them," she said, "but you'll have to do it yourself. I still have work to do." Yeah, she can be acerbic at times, but we've been together a very long while and some of me has obviously rubbed off.

"Mrs. Evans," I said when a woman answered the phone. "This is \_\_\_\_\_.

*continued on page 14*



**Congratulations  
to our firm's  
"Pennsylvania Rising Star"  
as selected by  
Law & Politics Magazine  
December 2005**

**Jeffrey D. Monzo  
Criminal Defense**



Recommended by  
lawyers and clients  
across Pennsylvania  
since 1933

724.834.0300  
beldenlaw.com  
117 N. Main Street, Greensburg, PA 15601

# To-Wit: File Review *continued from page 13*

Some years ago I handled that case when your little boy was injured. I'm just calling to see how you are."

"Oh," the woman said on the other end, "wait a minute, you must want my grandmother. Let me just find her hearing aid and get her up."

"No, don't wake her," I replied, "just tell her I sent my regards," and I grabbed another file.

"Mr. Koslosky," I said after identifying myself, "I know we haven't spoken in fifteen years, but you may remember I did that adoption for you and your wife."

"Are you going to represent her in the divorce?" he queried waveringly, and I grabbed another file.

"Is this Mr. Andrews?" I asked.

"Yes, it is, who's calling?"

I identified myself and asked him how he'd been doing since I last spoke to him nine years ago.

"I think you must mean my father," he said, "and I don't find this amusing. You know he recently passed away."

"No," I said, "I'm sorry, I hadn't heard."

"Of course you heard, you're handling the estate. I hired you two months ago."

**If a professional career, like a life, is less destination than journey, mine has been a good ride thus far.**

For one of the few times in my professional life, I didn't know what to say. I apologized rather lamely and got off the phone as quickly as I could.

I didn't make any more calls. Age, divorce, death, three calls and I'd already hit three of life's apocalypses. I didn't much care to try for a fourth.

Just then the phone rang and as my secretary was at the moment indisposed, I answered it myself.

"This is \_\_\_\_\_," the caller said, "and my wife and I just had a baby. Can you do a will for us?"

"Yes," I replied, "I can," and I scheduled an appointment for them for next week.

I won't make it to four thousand, not a chance, and I really don't want to. And I haven't saved the world, not even my small part of it. But if a professional career, like a life, is less destination than journey, mine has been a good ride thus far. Bumps, yeah, but style and grace too, and if I may momentarily shed my completely false sense of modesty, a journey of wit as well. Now if I can only find a few spare brain cells to permanently file that information away, I still have work to do.

© 2006, S. Sponte, Esq.  
*Can't get enough Sponte? More articles are online at [www.funnylawyer.com](http://www.funnylawyer.com).*



## HELP YOUR CLIENTS MAKE SOUND RETIREMENT CHOICES

### Total Continuum of Care

- Senior Apartments
- Personal Care
- Memory Impairment Program
- Nursing Care

### Financial Security

Residents at Redstone Highlands are not asked to leave if, through no fault of their own, they exhaust their resources.

### Style of Living

Monthly apartment fee provides the following services:

- Restaurant Style Dining
- Scheduled Transportation
- Barber/Beauty Shop
- Bank
- Exercise Room
- Maid Service
- Maintenance Service
- Personal Security

### GREENSBURG

6 Garden Center Drive  
Greensburg, PA 15601  
(724) 832-8400

### NORTH HUNTINGDON

12921 Lincoln Way  
North Huntingdon, PA 15642  
(724) 864-5811

### MURRYSVILLE

4951 Cline Hollow Road  
Murrysville, PA 15668  
(724) 733-9494



**Redstone Highlands**

Senior living communities

[www.redstonehighlands.org](http://www.redstonehighlands.org)



# AlterEgo: Rabe F. Marsh, III, Attorney

## Rabe F. Marsh, III, American Red Cross Volunteer

by Beth Orbison, Esq.

Two years ago, after 42 years of practicing law, Rabe Marsh thought that it was time to retire. He confessed, “I was always worried about my clients, and I wanted to stop worrying.” Finding himself with some extra time on his hands, Rabe joined the Westmoreland Chapter of the American Red Cross, as a volunteer contributing both time and specialized knowledge to their charitable efforts.

**Q HOW DID YOU FIND YOUR WAY TO THE AMERICAN RED CROSS?**

A It was geographical location, more than anything else. Everyday, as I walked to and from my home, I’d walk past the old school building that then housed the Westmoreland Chapter of the Red Cross. About three years ago, I decided to drop in and see what I might do to help.



*Together, we can save a life*

**Q SO THEY PUT YOU TO WORK?**

A Radio communication and electronics have always been hobbies of mine—I majored in electrical engineering my first year in college, and I was an amateur radio operator when I was a teenager. So, I’m now in charge of communications at the

Westmoreland County Red Cross Chapter.

**Q WHAT HAVE YOU DONE IN THAT CAPACITY?**

A I helped erect antennas on top of the building at the Red Cross’s current location on Main Street and installed transmission lines to the desks. We now have a radio to join the countywide 800-megahertz system. It enables us to communicate with the fire dispatcher at the 911 Center.

**Q WHY IS THAT IMPORTANT?**

A When someone is going to be displaced from his or her home as a result of a fire, the 911 fire dispatcher will page members of the Red Cross Disaster Action Team. I am a member of that team, working as a Fire Responder. When I get a call, I’ll then call the 911 supervisor to advise that my partner and I are on our way, and,

because we don’t have the luxury of a GPS system, they give us more specific directions to the site. And, of course, the ability to maintain open lines of communication when the “big storm” comes—whether it be snow, flood, tornado, hurricane, or tropical storms—is crucial. When the “big storm” comes, telephone communication, including the use of cellular phones,

is the first thing to go, so we prepare for that eventuality with a radio transmission system. We are fortunate that the amateur radio operators in the area have agreed to help when we need them and we have set up equipment for them at the Chapter.

**Q WHAT DO YOU DO AFTER YOU GET THE DIRECTIONS TO THE DISASTER SITE?**

A We drive to the location of the fire in the Red Cross’s disaster van, with lights flashing to alert other police, fire and ambulance personnel at the scene that we are there to render aid. More often than not, fires occur in the early morning hours when it’s still dark outside.

First, we find out who has been displaced by the fire. If they have no place to go, we offer them three nights in a motel, and vouchers for food and clothing, to help them get through the next couple of days. We provide information about alternative housing, and refer them to charitable groups like the Christian Layman and the Salvation Army. We give the children teddy bears. The people we help are so appreciative, and that is very gratifying.

**Q HOW OFTEN ARE YOU CALLED TO DUTY?**

A Once a week, I am on duty for 24 hours. When on duty I carry a pager and cell phone, so that I can be available at a moment’s notice. In addition to the once-a-week commitment, I’m available to fill in when others are unavailable. It’s difficult to do this work until you’re retired because a call can come in at any time and you have to be ready and able to respond. In our



Rabe F. Marsh, III

*continued on page 16*

**ATTENTION ATTORNEYS, PARALEGALS AND LEGAL SECRETARIES**

Looking to hire or be hired? The Westmoreland Bar Association operates an informal placement service for paralegals, legal secretaries and attorneys by collecting résumés and forwarding them to potential employers at no cost. Contact Bar Headquarters at (724) 834-6730, or 129 N. Pennsylvania Ave., Greensburg, PA 15601, for more information.

# AlterEgo: Rabe F. Marsh, III *continued from page 15*

catchment area alone—the western part of Westmoreland County—there are sometimes six home fires in a month.

## **Q HAVE YOU HAD ANY FORMAL TRAINING IN HANDLING EMERGENCY SITUATIONS?**

**A** The Red Cross provides training to enable volunteers to help locally as well as in other areas of the country. I have been trained in establishing and managing shelters, and helping those who are temporarily housed in the shelters. I have been trained in how to assess the disaster damage at sites, and to decide whether a claimant has truly suffered a loss, whether they deserve it.

I'm also trained in first aid, CPR, and the use of a defibrillator. I don't give legal advice, but if I can, I'll try to steer them in the right direction.

## **Q HAVE THERE BEEN OTHER SITUATIONS IN WHICH YOU'VE RENDERED AID, OTHER THAN FIRES?**

**A** Our guiding principle is that any disaster that displaces people from their homes is a situation where we can help. For example, I went to the Carnegie and Heidelberg sections of Pittsburgh immediately after the flood there to assist in providing food, alternative housing, and clothing, and to assess the damage.

On another occasion, the elderly residents of a personal care home, some of whom were in wheel chairs, had to be taken to a local fire hall for temporary shelter when there was a gas leak in their residence. Although the personal care home owners/operators are primarily responsible for their patients' needs, we helped care for the residents until they could be housed elsewhere.

After Hurricane Katrina, many of my fellow local volunteers went to New Orleans to help the victims, while I helped hold down the fort here.

## **Q WHAT ARE THE BACKGROUNDS OF SOME OF THE OTHER LOCAL VOLUNTEERS YOU WORK WITH?**

**A** Among the 20 or so people who constitute our Disaster Action Team are retired nurses who help directly with those who have medical needs, accountants who help keep the books and manage the finances, school teachers who conduct the training sessions, and an electrician.

I have found that people who volunteer tend to have a certain amount of selfless character. The best thing about the work is the people that I am working with. They've become an extended family, and in the time I have been with the Red Cross, I have developed great friendships among my fellow workers that go well beyond our relationship as volunteers.

*Editor's note: The Westmoreland Chapter of the Red Cross, located at 101 N. Main St., Greensburg, depends upon private donations to fund their programs.*



**Banking  
Insurance  
Trust  
Financial Management  
Investments**

**FIRST  
Commonwealth**  
**800-711-BANK (2265)**  
**877-816-1801 TTY Line**  
**fcbanking.com**

FCB Member FDIC  
Equal Opportunity Lender



# foundation focus

## Silent Auction A Grand Success

The Westmoreland Bar Foundation reports the 2005 Silent Auction, held at the Greensburg Country Club on December 3, a grand success. This year's event raised more than \$10,000, which exceeds previous auction totals by several thousand dollars.

"This is the most important fund-raising event of the year because it allows us to raise money to further the mission of the Foundation," says Executive Director Diane Krivoniak. "This year's greatest need was to provide sufficient funding for Pro Bono. The auction proceeds allow us to provide needed legal services to the indigent in Westmoreland County."

Many individuals and law firms made generous donations of art and jewelry to be sold in the auction, including:

- QuatriniRaffertyGalloway
- Ned and Connie Nakles
- James and Mary Louise Silvis
- David Millstein
- Scott Bitar
- David Regoli
- Dan Joseph
- David Colecchia
- Geary & Loperfito
- Tremba, Jelley & Whelton
- McDonald Snyder & Lightcap

The auction featured many additional items that appealed to guests of all tastes including getaway

vacations, golf outings and fine dining packages. Thanks go to the following for those donations:

- Aestique Spa
- Ray Bitar
- Caffé Barista
- Sean Cassidy
- Colburn Insurance
- Court of Common Pleas of Westmoreland County
- DeBernardo, Antoniono, McCabe, Davis & DeDiana
- Richard and Janice Galloway
- Mark and Susan Hamilton
- Jim and Eileen Kopelman
- Lawyers Abstract
- Reeves & Ross
- Rizzo's
- Ron and Marnie (Abraham) Russell
- John Scales
- Mike and Karen Stewart
- Tarentum Station
- Westmoreland Symphony
- WBF Trustees

Special recognition is extended to Karen Nicola from Orr's Jewelers and

*continued on page 18*



WESTMORELAND BAR FOUNDATION

**SAVE TIME & MONEY**

**VIDEOCONFERENCE**

### Cut costs while adding convenience.

Arrange or schedule out-of-town meetings or depositions via videoconference. Videoconferencing provides face-to-face communication without the security issues, expense and inconvenience of travel. It enhances productivity by eliminating travel time and costly transportation and accommodation costs.

### Call for information.

**412-261-5588** **724-837-1772**  
PITTSBURGH OFFICE GREENSBURG OFFICE

[www.acbaservices.com](http://www.acbaservices.com)



**ACBA SERVICES, INC.**

# President's Message

*continued from page 2*

.... and speaking of arthritis, people (and I include myself in this category) can no longer open with their bare hands the current medicine containers designed by Satan. In fact, I believe I heard somewhere that 99.9% of household injuries are caused by the weapons people use to open the laughably titled "safety" packaging on drug bottles.

So, I'll keep on working 'til I die (providing I can get into the medications I need). I'll enjoy my colleagues, clients and summer festivals, and I'll continue to attend the annual Christmas parade of dogs and fire trucks down Main Street. At the same time, I'll think about one of A.C. Scales' musings:

"Why would anyone want to be the President of the United States when he could practice law in a small town?"  
Indeed.



For complete insurance protection, we've got you covered.

For over 60 years, USI INSURANCE SERVICES has been meeting the needs of Pennsylvania lawyers. We can satisfy your insurance requirements through the following programs:

- Medical Insurance
- Employee Benefits
- Disability Insurance
- Term Life Insurance
- Long Term Care
- Medicare Supplement
- Professional Liability
- Fidelity and Surety Bonds

For more details or a quote on coverage call today:  
724-873-8150  
1-800-926-5287  
www.colburn.com



333 Technology Drive, Suite 255, Canonsburg, PA 15317

## Got News?

*Do you have news to share with the sidebar? Making Partner? Accomplishments? Marriage? Birth? Anniversary? Send us a fax (724.834.6855), an e-mail (westbar.org@verizon.net), or a note and we'll publish your news in the next available issue.*

## Spotlight on Jeremy Boby

*continued from page 8*

surrounded by kids and grandchildren who went further in life than I did.

**Q WHAT IS YOUR MOST TREASURED POSSESSION?**

**A** A pendant I found when I was a kid.

**Q WHAT IS IT THAT YOU MOST DISLIKE?**

**A** Arrogance.

**Q WHAT IS YOUR GREATEST EXTRAVAGANCE?**

**A** An afternoon kayaking big water.

**Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?**

**A** Fluency in a foreign language.

**Q WHAT QUALITY DO YOU ADMIRE MOST IN YOUR FRIENDS?**

**A** Someone with whom I share mutual respect for one another's intrinsic qualities and not someone who pretends to be my friend because of what he thinks I can do for him.

**Q WHAT LIVING PERSON DO YOU MOST ADMIRE?**

**A** Judge James Robertson.

**Q WHAT IS YOUR MOTTO?**

**A** Eat life or life eats you.

## Silent Auction

*continued from page 17*

Judy and Jeff Shields from Allegheny Gallery. Their participation with selected artwork and jewelry added sparkle and interest to this year's event.

And finally, a heartfelt thank you to those trustees who contributed their talents and energy to ensure that this year's auction was successful: Janie Belden, Jo Milie, Marnie Abraham, Dan Joseph, Jackie Knupp and Iva Munk.

## Actions of the Board

### DECEMBER 20, 2005

- Accepted Membership Committee recommendations as submitted: Amy Leonardo, Renee Anderson, and Philip Shelapinsky, participating.
- Voted to make PAC donation to the Pennsylvania Bar Association.
- Accepted 2006 budget.
- Agreed that advertising rates for parental termination ads in the *Westmoreland Law Journal* remain the same (line rate rather than flat fee).
- Agreed that Mr. Silvis will make appointment to Laurel Legal Services board by the end of December.
- Voted to help publicize “The Ethicist” Randy Cohen, who is speaking at UPG on February 24 by circulating notice to WBA members.
- Agreed to renew membership with Chamber of Commerce.
- Referred review of the Pennsylvania Public Relations Campaign to the Public Relations Committee with a charge that a recommendation be made to the board regarding the WBA involvement in the PR campaign.
- Voted to provide sponsorship dollars for the Conference of County Bar Leaders (CCBL) in State College in the amount of the cost of one registrant to the conference.

### On The Move ...

#### LISA GALLOWAY MONZO

has joined Belden Law as an Associate. She can be reached by mail at 117 North Main Street, Greensburg, PA 15601-2401; phone 724-834-0300; fax 724-834-1307; e-mail lmonzo@beldenlaw.com.

#### KENNETH L. MURRAY

announces the relocation of his law office to 2108 Route 130, Suite 1, PO Box 421, Harrison City, PA 15636. He can be reached by phone at 724-744-3746.

## And Baby Makes ...

*Jim and Beth Horchak are proud new parents to a baby girl, Quinn Allison, born November 21, 2005. Quinn weighed 7 lb 2 oz. and was 18 inches long. Her two-year-old big brother, Maxwell, is very fond of his new sister. Jim is an associate with QuatriniRaffertyGalloway in Greensburg.*



- Heard report that the Young Lawyers Committee Toys for Tots campaign raised approximately \$1,200 and the check has already been submitted to the Children's Bureau.
- Voted to solicit comments from WBA members regarding the Building Committee's recommended building usage policy and to include a flyer in the December issue of *the sidebar*.
- Adopted board reimbursement policy submitted by Mr. Whelton and Mr. DeDiana.
- Executive Director reported that bids are being received to update the CLE conference room with both audio and visual equipment; bids are estimated at over \$5,000.
- Agreed that WBA should apply for grant from Pennsylvania Insurance Trust Board to help cover project costs.
- Reported that Scottdale and Ligonier would be the next stops for the Living Trust Seminars.
- Voted to suspend dues payments from bar members who are called to active duty and to waive the WBA and PBA dues for one year upon their return to civilian life.
- Agreed that PBA should be asked to waive state dues payments for attorneys who are deployed and that Zone Governor Joseph should be asked to present this to PBA board on behalf of the WBA.
- Agreed to offer a retirement planning seminar series to WBA members in March. Series will be presented by WBA advisor Paul Brahim.
- Learned that Judge Ackerman has joined editorial board of *the sidebar*.
- Executive Director reported that ACBA is interested in offering videoconferencing in the WBA large conference room. PBI seminars could then be held at the WBA building for our members.
- Learned that PBI has been contacted and would be agreeable to moving satellite programs to the WBA.
- Approved attendance of incoming President-Elect and Vice President to Bar Leadership Institute in Chicago in March.
- Learned that, beginning in July 2006, attorneys without malpractice insurance must disclose to clients the fact that they are without insurance.

# wba news

## CALENDAR OF EVENTS

## MARCH

- 8** Municipal Law, Noon  
Membership, Noon
- 15** Young Lawyers Lunch ‘n Learn, Noon  
Ned J. Nakles American Inn of Court, 5 p.m.
- 17** Presentation of New Members, 3 p.m., *Westmoreland County Courthouse*  
St. Paddy’s Party, 4:30 to 8:30 p.m.
- 21** Family Law, Noon  
Board Meeting, 4 p.m.
- 23** CLE Seminar: “Effective Media Relationships,” Noon to 1:45 p.m., 1.5 substantive credits
- 30** CLE Seminar: “Preliminary Hearings,” Noon to 1:15 p.m., 1 substantive credit

## APRIL

- 3** Bankruptcy, Noon  
Annual Meeting of the Westmoreland Bar Foundation, 4:30 p.m., *Greensburg Country Club*  
Annual Meeting of the Westmoreland Bar Association, 5 p.m., *Greensburg Country Club*
- 12** Membership, Noon
- 14** Courthouse closed in observance of Good Friday
- 18** Family Law, Noon  
Board Meeting, 4 p.m.

LAWYERS  
CONCERNED  
FOR LAWYERS  
CORNER

- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at [www.lclpa.org](http://www.lclpa.org). Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.



Westmoreland Bar Association  
129 North Pennsylvania Avenue  
Greensburg, PA 15601-2311

PRESORTED  
STANDARD  
U.S. POSTAGE

**PAID**

GREENSBURG, PA  
PERMIT #678